

this motion. Therefore, the Court declines jurisdiction over Plaintiff's remaining state law claims and remands this action to the Nebraska state court.

Accordingly,

IT IS ORDERED:

1. The Plaintiff's oral motion to dismiss its First Cause of Action is granted;
2. Plaintiff's First Cause of Action in the Second Amended Complaint (Filing No. 51) is dismissed without prejudice;
3. The Plaintiff's oral motion to remand all remaining claims to the District Court for Douglas County, Nebraska, is granted; and
4. The Clerk of the Court is directed to take all steps necessary to accomplish the remand and to close the case for statistical purposes.

DATED this 16th day of February, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge